## THE PROPOSED CODIFICATION OF INTERNATIONAL LAW AND THE RELATION OF CODIFICATION TO THE PROPOSED ESTABLISHMENT OF A SUPREME INTERNATIONAL COURT OF ARBITRAL JUSTICE.

*By Mr. Alpheus Henry Snow, of Washington, D. C.*

The proposal to establish a supreme international court of arbitral justice, and the accompanying proposal to codify international law, bring up, as a preliminary consideration, the question whether international law, so-called, is true law, in the sense in which the word "law" is used in the science of jurisprudence; and if so, what is its nature and scope and its relation to other law. A court of justice implies the existence of law. Codification involves a scientific arrangement of principles which have been formulated in precise language and which have been established as laws. When we use the word "court" and "codification" we are using terms of jurisprudence. We can not establish an international court or codify international law unless we can first establish the proposition that international law, so-called, is true law. It becomes necessary therefore to consider the requirements which are necessary in order that a body of rules may be law, in the sense of the science of jurisprudence.

Professor Holland says, in his book on *Jurisprudence:*[1]

Law is formulated and armed public opinion, or the opinion of the ruling body. * * * The real meaning of all law is that,

[1] 11th ed., pp. 88, 89. (The first sentence of the above quotation is transposed, but the meaning is not changed.)

unless acts conform to the course prescribed by it, the State will not only ignore and render no aid to them, but will also, either of its own accord or if called upon, intervene to cancel their effects. The intervention of the State is what is called the "sanction" of law. * * * [Law] defines the rights which it will aid, and specifies the way in which it will aid them. So far as it defines, thereby creating, it is "substantive law." So far as it provides a method of aiding and protecting, it is "adjective law" or "procedure."

Also he says (page 80):

Law is something more than police. Its ultimate object is no doubt nothing less than the highest well-being of society, and the State, from which law derives all its force, is something more than a "Rechtsversicherungsanstalt" or "Institution for the protection of rights" as it has not inaptly been described.

A law — that is, a particular law, as distinguished from the whole body of law of a political society — Professor Holland defines (page 42) as "a general rule of external human action enforced by a sovereign political authority."

Rules of human action "enforced by indeterminate authority," that is, enforced by the censure of general public opinion, or by the censure of the opinion of a given political society, fall, according to Professor Holland (page 28), within the domain of the science of nomology, but not within that of the science of jurisprudence. "Rules set by [a sovereign political authority]," he says (page 41), "are alone properly called 'laws.'"

The process of formulating law proceeds in two general ways, according as the given political society holds one notion or another of its relations with the past. A political society may abide by custom, and set up as its government a judicial body — not necessarily representative of territorial districts — which will investigate and ascertain usage, will determine when usage has grown into custom, will adjudicate whether the custom is "reasonable" or not, will formulate reasonable custom in terms of law, and will place the stamp of authority upon such formulation and make it law. On the other hand, a political society may disregard customary modes of

action and relationship, and set up a legislative body — usually representative of territorial districts — which will formulate new rules — statutes — by deliberative methods. Political societies in fact exist generally under law which is in part customary and in part statutory, customary law being superseded by statutory law in case of conflict between them. As Professor Holland says (pages 60, 62):

The State, through its delegates, the judges, undoubtedly grants recognition as law to such customs as come up to a certain standard of general reception and usefulness. To these the Courts give operation, not merely prospectively from the date of such recognition, but also retrospectively; so far implying that the custom was law before it received the stamp of judicial authentication. * * * The legal character of reasonable ancient customs is to be ascribed, not to the mere fact of their being reasonable ancient customs, but to the existence of an express or tacit law of the State giving to such customs the effect of law. * * * [The State] sometimes in express terms denies [customs the force of law], and sometimes limits the force which has hitherto been ascribed to them. In some States greater force has been allowed than in others to customs as compared with express legislation.

From Professor Holland's analysis, it is to be concluded, that there are three elements which must exist in order that there may be law in the sense of the science of jurisprudence; first, a body of persons on a definite territory living together in an organized political society, free from all control or free from control other than that of the society of nations; second, a definite body of persons within the society who authoritatively formulate into rules the existing customs of the society or who authoritatively formulate new rules for current exigencies without regard to custom, or who perform both functions; and, third, a definite body of persons within the society who authoritatively enforce the rules so formulated.

The question arises whether or not international law, so-called, conforms to these requirements, or whether we must exclude international law from the science of jurisprudence, and treat it as a part of the more inclusive science of nomology. In the latter case, we shall be logically compelled to discontinue the use of the expression

"international law," and to substitute for it the expression "international moral rules;" for in this view there is only a body of rules which the nations as isolated units follow as governing their contacts or conflicts, and which are enforced by indeterminate authority, that is, by the censure of public opinion; moreover, it will be logically necessary that all international organization shall take the form of popular education and political propaganda, in order that the popular censure may be rightly directed. This, it is to be feared, will lead to excommunication or boycott. Should this be the case, there will arise international hatred, malice, conspiracy and secret warfare, the inevitable results of excommunication, which will be likely to lead to international political chaos. Every consideration of expediency and justice favors, it would seem, the bringing of international law into the realm of jurisprudence, if that be reasonably possible. Indeterminate rules, enforced by an indeterminate authority, tend, in the long run, to create disorder and war.

It seems that, looking at the facts of the political life of the world, it is reasonable to say that international law, at the present moment, does in fact conform to the requirements which Professor Holland so ably lays down as essential to the conception of true law. Take the first requirement, that there must exist a definite organized political society. A political society exists when its people recognize themselves as united in a society; and it seems wholly consistent with actual facts to say that the peoples and nations of the world are, by the necessity of the case, and by their recognition of their political unity, united at the present moment in a political society which is known as "the society of nations;" that this political society exists under an unwritten constitution and a general law; and that that which we call international law is in fact at the present moment a supreme law emanating from the people and nations of the society of nations.

Professor Westlake, in his *International Law,* says:[2]

International law, otherwise called the law of nations, is the law of the society of states or nations. * * * When international law is claimed as a branch of law proper, it is asserted that there is

[2] Part I, Peace, Ed. 1910, pp. 1, 6, 7.

a society of states sufficiently like the state society of men, and a law of the society of states sufficiently like state law, to justify the claim, not on the ground of metaphor, but on the solid ground of likeness to the type. * * * States live together in the civilized world substantially as men live together in a state, the difference being one of machinery, and we are entitled to say that there is a society of states and a law of that society, without going beyond reasonable limits in assimilating variant cases to the typical case.

The second requirement, that there should be an authoritative formulating body within the society, seems at first glance to be an insuperable obstacle to considering international law as true law. When, however, it is considered that the society of nations is of a composite and federalistic character, being made up not only of the peoples, but also of the nations of the world, the difficulty begins to resolve itself. Such a composite political society may evolve a supreme law without having a specially designated formulating body; for it may be so constituted that there may be an informal drafting process, and that the component states or nations may place their separate confirmation and authentication upon the rules formulated, until there comes about a formulation which is approved by the general consensus of them all. The formulation of the law of the society of nations seems to take place in this manner. A drafting process occurs through the writings of scholars, and through the briefs and notes of diplomatic officers, and the rules thus formulated are confirmed and authenticated by the separate nations by acting upon them in cases where they are applicable. By the treaties and arbitrations of the nations, and by international conferences, even sometimes by war, there arises a consensus upon a certain formulation and that formulation becomes a law of the society of nations.

The nations in this process may, it would seem, properly be conceived of as the judicial agents and delegates of the society of nations for ascertaining and declaring the customary law of the society, or as an informal legislature of the society. All or the greater part of the law of the society of nations is undoubtedly customary, and treaties, arbitral and judicial decisions, international

conferences, and all forms of diplomatic settlement are parts of the formulating and authenticating process by which the laws of the society of nations are evolved, and given the sanction of the society.

The third requirement, that there should be definite body of persons within the society to enforce the law, is, it seems, complied with also by the fact that the nations are the component units of the society of nations. By their armed forces, they enforce the law of the society of nations as the authorized agents and delegates of the whole society for this purpose.

It seems, therefore, that we may conclude that that which we call international law is really the law of the society of nations, and that it is true law, in the sense of jurisprudence.

If this be granted, it follows that, as the society of nations is of a composite and federalistic character, the law of the society of nations must be federalistic in character, that is to say, that it must relate to those matters which are external to each nation and of common interest to all the nations, or which are beyond the competency of the single nations.

If this be so, the present classification of international law into divisions and headings will be much altered. The present classification dates from the period when international law was conceived of in terms which really made it nothing but the usages of isolated nations, usages which every nation was free to follow or not according to its own mere will and without giving any reason or explanation. In those days, the primary conception of international law was of each nation as a political unit isolated from all the rest, instead of as a component unit of a society of nations. Hence all classification began with the idea of each nation as independent of and equal with every other, those communities which were under the control of a nation though not partaking of its political life being regarded as non-existent for international purposes or as merged in the international personality of the "sovereign" nation. From such a conception it inevitably followed that international "law" dealt with the contracts or clashings of political units which, desiring to live as hermits, found themselves forced into contact or conflict with other units of equally unsocial aspirations. In text-

books of international "law," after the independence and equality of nations had been sufficiently elaborated, the authors proceeded to consider the questions of unsocial contact and the means of settling the questions growing out of such contact by diplomatic adjustment, by treaty or by arbitration. Lastly, the subject of war was considered, as the means of working off the humors of mutual unsociability or preventing that unsociability which took the form of forcible aggression.

From the study of the evolution of political societies which has been made by various authors during the past half century, it is evident that the society of nations has gone through the same process as has often taken place with respect to families and clans, until it has finally reached a political unity. The process seems in general to be this: The patriarchal or clan community tends to isolate itself. A number of such communities, though living near to one another, at first have no common law and no law for their common purposes. They fight when they come in contact, or settle their disputes by some rude form of arbitration. As these communities increase in size and number, the contacts become more frequent, and, to avoid incessant fighting, they settle more and more disputes by agreement or arbitration. A settlement made in one case tends to be followed in another similar case, and usage begins. Then this usage becomes so frequent that it is followed generally and as a matter of course. The usage thus becomes a custom. Finally the families or clans become so intimately associated with one another that they begin to recognize themselves as forming one united society and to think of the customs which have been established as laws of the society, that is, as laws emanating from the people of the society as an organized unity. It soon becomes important to have the customs formulated and written down, and persons more or less authorized by public sentiment begin to formulate them. Then a tribunal is instituted to ascertain the customary law and to formulate it and apply it to particular cases. Then, as it is not fair that some should obey the law and others not, the society institutes a law-enforcing body and arms this body so that it may compel all to conform to the customary law. Soon the customary law is found inadequate to

cover all cases or to be violative of ethical principles, and the society institutes tribunals with equity powers, that is, with power to apply ethical standards to customs and to nullify those which are unreasonable, and to infer a custom, where there is no actual custom, by considering customs established in analogous cases and applying the principles of right and wrong as determined by the reason and conscience of religious and educated men. Then the society establishes a law-making and law-changing body, which can disregard and nullify, if it sees fit, the customary law, and which can, if it sees fit, disregard ethical standards. Finally, even this body is subjected to ethical standards formulated as a part of the customary and universal law and applied by the courts or other suitable tribunals.

There can be no doubt that the nations of the world have progressed to the point where they recognize themselves as living under customary rules, enforced by the censure of public opinion. There is good reason to believe that they have progressed beyond this stage, and that, while preserving the idea of independence and equality, they tend more and more to recognize themselves as member-nations of the society of nations. The movement for an international court of arbitral justice is a recognition of the need of an authoritative body for formulating the customary law of the society of nations, subject to confirmation, authentication and enforcement by the nations. Whether the society of nations will find it necessary to establish a law-making body, or even any law-formulating body, other than the Hague Conferences, and whether it will ever establish a law-enforcing body, may well be doubted. It may well be that for such a society a customary law may prove the strongest, because the most elastic bond of union, and that the ultimate central body will be a supreme court whose action in formulating the customary law will not be final, but will be subject to confirmation, authentication and enforcement by the nations.

If international law be thus regarded as the law of the society of nations, dealing with matters external to each state and common to all or beyond the competency of the units singly, and hence as federal in its nature, it becomes necessary to distinguish this kind of law from national law on the one hand and from what may perhaps

be called "the supreme universal law" on the other. Every one understands what national law is, and every American, accustomed to the distinction between State law and Federal law, perceives the distinction between national law and the federal law of the society of nations. But the conception of "supreme universal law," though distinctly American and indeed the basic idea of all American political and legal institutions, is not yet familiar even to American students. To illustrate: By the Fifth and Fourteenth Amendments to the Constitution of the United States, every court within American jurisdiction, even the court of a justice of the peace, is recognized as having authority to disregard any governmental action whatsoever which deprives the individual of his life, liberty or property without due process of law. If the court does disregard governmental action on this ground, the case may go on appeal to the Supreme Court of the United States; and if that court is of opinion that the governmental action in question deprives the individual of his life, liberty or property without due process of law, the governmental action in question, even though it be the action of Congress, is nullified. This is American law, formulated in amendments to the Constitution of the United States; but we do not hold it as law merely because it is a part of the Constitution. It can be proved historically that the Constitution in this respect is regarded by us as declaratory of the supreme universal law. These rights of "life, liberty and property" which the Constitution secures against infringement by governmental action, are the fundamental rights of self-protection and self-preservation, corresponding to those attributes of life, motion and prehension by which all men are equally endowed by God, and the use of which is equally needful for every human being for his self-protection and self-preservation. The underlying principle of Magna Charta was, that society exists and governments are instituted primarily to secure these universal and fundamental rights and that hence the powers of all governments are limited by these fundamental rights of the individual. In the time of Coke, these fundamental principles of law were formulated in the words of our Constitution, and English judges asserted that the English courts had jurisdiction, under this law, as a supreme universal

law, to disregard and nullify all governmental action in violation of the fundamental rights of the individual. But English public opinion, in view of the military and economic exigencies of England, failed to sustain this view, and the action of the English Parliament was recognized as supreme in England, through the fiction that it was a high court. In the American Revolution, America relighted the torch of progress which had been extinguished in Great Britain. The Continental Congress, in the Declaration of Independence, answered Great Britain's claim of legally-unlimited power over the Colonies by asserting that there are fundamental rights of the individual under the supreme universal law, that society exists and governments are instituted primarily to secure these rights, and that by this law the powers of Great Britain and of every nation and government were and are legally limited. The Civil War was fought by the North to uphold this supreme universal law, and after the war the principle that throughout American jurisdiction no person should, by any governmental action, be deprived of his life, liberty or property without due process of law, was formulated in the Constitution and was thus made a part of the supreme law of the land which all courts are bound to enforce.

If, therefore, the society of nations is to be consistent with the American political ideas, it must recognize itself as existing under this supreme law, as distinguished both from international law and national law. If courts are established by the society of nations to ascertain and apply the law of the society, or if one such court is established with supreme judicial powers, it must be understood that over and above the law of the society of nations, which is supreme over national law, there exists a supreme universal law by the terms of which all courts are entitled to disregard, and in effect nullify, all governmental action involved in suits duly pending before them, even national laws or acts, or the laws or acts of a group of nations, or the laws or acts of the society of nations, which violate the fundamental rights of the individual. Indeed, as a prerequisite to the establishment of an international supreme court or the codification of international law, it would seem most desirable that there should be formulated a "constitutional bill of rights" (as

Americans say) of the society of nations, which would safeguard the international supreme court in the performance of its duty to disregard and nullify any governmental action which should violate the fundamental rights of the individual.

The following tentative "Suggestions concerning a system of division and classification of the principles of International Law regarded as the Federal Customary Law of the Society of Nations," will illustrate the system of classifying the principles of international law, which it will be necessary to adopt if the views above expressed should be accepted:

*Suggestions concerning a system of division and classification of the principles of International Law regarded as the Federal Customary Law of the Society of Nations.*

## PART I. ORGANIC PROVISIONS.

### Chapter I.

The names and boundaries of the component Nations forming the Society of Nations.

### Chapter II.

Character of the component nations.

(a) Independence.

(b) Equality.

### Chapter III.

Admission of new members into the Society of Nations.

(a) Declaration of Independence, by non-national communities, and recognition by the nations.

(b) Division of nations by agreement and acquiescence by the other nations.

(c) Junction of nations by agreement and acquiescence by the other nations.

### Chapter IV.

States having a qualified membership in the Society of Nations.

(a) Protected states.

(b) Neutralized states.

(c) Supervised states.

## Chapter V.

States having membership in the Society of Nations through a delegate Federal Government or a delegate Nation.

(a) Member states of federal states.
(b) Self-governing colonies of nations.
(c) Partially self-governing colonies of nations.
(d) Non-self-governing colonies of nations.
(e) Communities on reservations and under tutelage.
(f) Communities within the sphere of influence of a nation.

## Chapter VI.

Participation in the Franchise and Governmental Power of the Society of Nations.

(a) Civilized nations as participants in the political life of the society of nations.
(b) Partly civilized and barbarous nations as participants in the political life of the society of nations.

## Chapter VII.

Expansion or Contraction of Nations with the acquiescence of the Society of Nations.

(a) By cession or annexation of territory and population, without incorporation.
(c) By cession or annexation of territory and population, with incorporation.

## Chapter VIII.

Relations between the Nations and the Society of Nations.

(a) Reservation to the nations of all powers which are not necessary to be exercised by the society of nations for the general welfare.
(b) The society of nations the disposer and regulator of those things, activities and relationships which are beyond the competency of any particular nation and in which all have an interest.

## Chapter IX.

The Law-formulating and Law-authenticating Agents of the Society of Nations. (Acting for the Society of Nations by implied delegation.)

(a) Diplomatic agents of nations.
(b) Treaty-making officials and bodies.
(c) Foreign departments of nations.
(d) International arbitral tribunals having diplomatic powers.
(e) Conferential bodies of delegates of nations.
(f) National courts sitting as international courts (applying international law).
(g) International courts.
(h) National executives (by message or proclamation).
(i) National legislatures (by declaratory act).

## Chapter X.

The Law-enforcing Agents of the Society of Nations. (Acting for the Society of Nations by implied delegation.)

(a) National executive officials and bodies acting as delegated executives of the society of nations.
(b) National armies acting as armies of the society of nations.
(c) National navies acting as navies of the society of nations.

## Chapter XI.

The Nature of the Law of the Society of Nations.

(a) The law of the society of nations as customary law.
(b) The law of the society of nations as statutory law.
(c) The supremacy of the statutory over the customary law.

## Chapter XII.

Supremacy of the Law of the Society of Nations over National Law.

(a) The law of the society of nations the supreme law of the land throughout the society of nations, and hence supreme, for the common purposes, over national law.

### Chapter XIII.

Supremacy of the Universal Law.

(a) The principles of universal law securing the rights of the individual to religious freedom, and to life, liberty and property as against all governmental action, supreme over the law of the society of nations, national law and all other law.

### Chapter XIV.

International Faith and Credit.

(a) Between civilized nations.

(b) Between uncivilized nations.

## PART II. REGULATIVE PROVISIONS.

#### RIGHTS.

### Chapter I.

Rights of individuals against governments under the supreme universal law (which forms part of the law of the Society of Nations as of all other law).

(a) That neither the society of nations nor any nation shall prohibit the worship of God, or unduly regulate religious practices not violating private rights or the public peace and order.

(b) That neither the society of nations nor any nation shall deprive any person of his life, liberty or property without due process of law, or impair the obligation of contracts.

### Chapter II.

Rights of the Society of Nations against the Nations.

(a) The right of the society of nations to settle disputes between nations.

1. Arising under treaties.
2. Arising out of national tortious acts.
3. Arising out of conflicting boundary lines.

(b) The right of the society of nations to regulate the common property of all.

1. Navigation of the high seas and the upper air.

2. Pelagic fishing and hunting.
3. Piracy on the high seas or in the upper air.

(c) The right of the society of nations to regulate internationalized persons, property, land or water.
1. Regulation of the Hague Tribunal and Red Cross officials and employees.
2. Regulation of Red Cross ships and supplies.
3. Regulation of the International Court and Tribunal property.
4. Regulation of internationalized rivers, channels or canals.

(d) The right of the society of nations to intervene in the inner life of nations or countries to end anarchy and establish just government.
1. Joint intervention by several nations in behalf of the society of nations.
2. Intervention by the nearest or most interested nation in behalf of the society of nations.

## Chapter III.

Rights of Nations against Nations, each in its own right.

(a) The right to national life and liberty.
1. Intercourse between citizens of different nations.
2. Trade between citizens of different nations.

(b) The right to national property.
1. National territory.
2. Territory gained by accretion.
3. Territory gained by peaceable occupancy and prescription.

(c) The right to the performance of contracts.
1. Binding force of treaties.

## Chapter IV.

Rights of Nations against States which are not full members of the Society of Nations, and *vice versa*.

(a) Protecting nations and a protected state.

(b) Concerts of states and neutralized states.

### Chapter V.

Rights of Nations against external communities not members of the Society of Nations, and *vice versa.*

(a) Nations and their colonies.
(b) Nations and native communities on reservations.
(c) Nations and aboriginal communities within a sphere of influence.

### Chapter VI.

Rights of Nations as representatives of their citizens against other Nations in their own right, and *vice versa.*

(a) Alienage as determined by citizenship of birth or by citizenship of naturalization.
(b) Breach by nations of their contracts with aliens.
(c) Tortious acts by nations against aliens.
(d) Breach by aliens of their contracts with nations.
(e) Crimes committed by aliens.
(f) Admission of aliens.
(g) Expulsion of aliens.
(h) Civil rights and duties of resident aliens.
(i) Political rights and duties of resident aliens.
(j) Extradition of aliens.
(k) Extradition of citizens.

### Chapter VII.

Rights of Nations as representatives of their citizens against other Nations as representatives of their citizens.

(a) Contracts between citizens of different nations.
(b) Tortious acts by citizens of one nation against citizens of another nation.

## Remedies.

### Chapter I.

Remedies of Nations against other Nations, each acting in its own right.

(a) Arbitration by a specially constituted tribunal.
(b) Arbitration before the Hague Tribunal.
(c) Decision by an international supreme court.

CHAPTER II.

Remedies of Nations as representatives of their citizens against Nations in their own right.

(a) Decision by tribunals of the defendant nation.
(b) Arbitration by a specially constituted tribunal.
(c) Arbitration before the Hague Tribunal.
(d) Decision by international courts.

CHAPTER III.

Remedies of Nations as representatives of their citizens against other Nations as representatives of their citizens.

(a) Decision by tribunals of the defendant nation.
(b) Arbitration by a specially constituted tribunal.
(c) Arbitration before the Hague Tribunal.
(d) Decision by international courts.

CHAPTER IV.

Procedure in International Cases.

(a) Procedure in filing and prosecuting claims before departments of national governments.
(b) Procedure in specially constituted tribunals.
(c) Procedure in the Hague Tribunal.
(d) Procedure in international courts.

CHAPTER V.

Execution of International Laws and Judgments.

(a) By separate or joint national armies or navies acting as a delegated constabulary of the society of nations.

CHAPTER VI.

Methods of using Armed Forces, when resistance is made to execution of International Laws and Judgments.

(The laws of war and of neutrality.)

If the society of nations shall thus recognize itself as a federal political society under a customary federal law, which rather requires psychological than political action, since the society of na-

tions exists when the mass of mankind recognize its existence, we may conclude, as it would seem, that the proposed international court of arbitral justice is necessary and desirable, and that codification of international law, that is, authoritative codification, is not necessary and probably not desirable.

The international court of arbitral justice would be the court of last resort in all cases arising under international law involving rights of the citizens of the nations, and might be given original and even exclusive jurisdiction of cases arising between nations where each sues in its own right and not as representative of its citizens. In some cases it might be proper that the defendant nation should reserve the right to decline to appear. Such right to decline to appear in the Supreme Court of the United States is reserved to the States of the American Union when they are sued by citizens of other States.

Codification of international law, always understanding by codification authoritative codification, seems necessarily to imply a temporary or a permanent legislature of the society of nations. A temporary legislature which should convert the customary law of the society of nations into statutory law and then disappear would leave behind an unchangeable law, which is always an obstacle to reasonable and rightful evolution. A rule good to-day may, in the course of evolution, become later on a bad rule. A permanent legislature of the society of nations would necessarily be on the representative basis. The representative system has never yet been successfully applied except in a homogeneous civilized community on a territorial unity. Communities which are separated from each other, or which, though contiguous, are psychologically diverse, have never yet been successfully held together by a representative legislature, and it seems probably they never will. For the separated and diverse nations, a common supreme customary law, federal in its nature, formulated from time to time on ethical principles by all the existing agencies of diplomatic settlement and international conference and by the proposed supreme international court, confirmed by the consensus of the nations, and enforced by the nations, seems likely to be the most efficient bond of union.

The CHAIRMAN. The Executive Council will have its meeting immediately upon the adjournment of the session.

I now declare the Fifth Annual Meeting of the American Society of International Law closed, and thank you very much for the honor you have conferred upon me in allowing me to preside this morning.

## MINUTES OF THE MEETING OF THE EXECUTIVE COUNCIL.

SATURDAY, APRIL 29, 1911, 12.20 O'CLOCK P. M.

Immediately upon the adjournment of the Society, the Executive Council met in the Red Room of the New Willard Hotel under the chairmanship of the President of the Society.

The following members of the Executive Council were present: Gen. Geo. B. Davis, Prof. Chas. Noble Gregory, Mr. Robert Lansing, Hon. Frank C. Partridge, Mr. Jackson H. Ralston, Hon. Elihu Root, Dr. James Brown Scott, Mr. Alpheus H. Snow, Mr. Chas. B. Warren and Prof. Geo. G. Wilson.

The President called the meeting to order and proceeded to the consideration of the business laid before the Council.

Upon motion duly made and seconded, the Executive Committee was re-elected for the ensuing year, 1911–1912:

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| Mr. Root, | Prof. Moore, |
| Mr. Gray, | Mr. Straus, |
| Mr. Kirchwey, | Prof. Wilson. |
| Mr. Lansing, | |

Mr. John W. Foster was, upon motion duly made and seconded, elected Chairman of the Executive Committee.

The Council then proceeded to the election of the Recording Secretary, the Corresponding Secretary, the Treasurer, and the Assistant to the Secretaries and the Treasurer, and the following gentlemen were re-elected: